

Amendment Under 37 C.F.R. § 1.111  
Serial No. 10/070,994  
Sughrue Ref: Q68639

### **REMARKS**

Claims 1-15 are all the claims pending in the application. Claims 1 and 7 are independent claims. Independent claims 1 and 9 have been amended in order to overcome the rejections, as discussed below. Claim 7 has been rewritten in independent form and includes some of the recitations added to independent claim 1.

#### **Claim Rejections Under 35 U.S.C. § 112**

Claim 7 is rejected under 35 U.S.C. § 112, second paragraph, as being allegedly indefinite. Applicant respectfully request the Examiner to withdraw the rejection in view of the fact that claim 7 does not include the recitation that “the support belt urged towards the object by means of the application head.” Therefore, Applicant respectfully requests the Examiner to withdraw this rejection.

#### **Claim Rejections Under 35 U.S.C. § 103**

##### **Claim 1**

Claims 1-4 and 6 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Brandt et al. (US 5,458,714).

Applicant respectfully submits that the modifications to claim 1 serve to properly distinguish over Brandt. According to Brandt, a warm platen 130 is used as a release mechanism for lowering the adhesion of the labels 2 and the backing web for easy transfer. As can be seen from Figure 2 of the Brandt reference, the warm platen 130 has a smoothly curved surface to deflect the web 132 at a slightly rounded angle. The fact that the web 132 is deflected by the warm platen serves to maintain a tensional force on the web urging the web against the platen.

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Feeding the web 132 parallel to the contact surface of the warm platen would not result in proper contact therewith.

In contrast to the warm platen 130, it has now been specified that the edge or strip 7 of the present invention in method claim 1, acts along a pressure line transversely to the length direction of the belt 5 and deflects the support belt at a non-rounded angle in order to mechanically reduce the adhesion. By creating a pressure line to contact the label 6 and the belt 5 will come apart as schematically shown in Figures 1-5 of the present application.

This mechanical release contrasts sharply with the thermal release shown by the warm plate 130 of Brandt which rather than establishing a line contact benefits from establishing a large and smooth full surface contact surface for optimal heat transfer which certainly cannot occur along a pressure line contact. The newly submitted method claim 1 should distinguish sufficiently over the Brandt prior art reference in a novel and inventive manner.

Therefore, Applicant's respectfully request the Examiner to withdraw the rejection of independent claim 1, and the rejections of dependent claims 2-4 and 6 at least because of their dependency from claim 1.

#### Claim 9

Claims 9-12 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Brandt in view of EP 0 930 237 ("EP '237"). Claims 9-12 are also rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Brandt in view of EP '237. Claims 9-11 have been rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over La Mers (US 3,450,590).

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Claims 9-11 and 14 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Barta (US 4,379,017).

Claim 9 has been amended to specify that the edge or strip 7 is placed in a substantially stationary manner relative to the support belt 5 in a direction transversely to the direction of movement of the support belt 5, and serves for mechanical reduction of adhesion of the label 6 to the support belt 5. Applicants respectfully submit that the amendments properly distinguish claim 9 from the applied references.

For example, in EP '327, a heat transfer label is applied to the plastic crate by means of a heated pressure roller, as seen, for instance, Figure 6. Prior to application, the web carrying the labels is fed over spacer guides situated on each side of the pressure roller for avoiding contact of the heated roller with the web in order to avoid unnecessary heat loading of the web. During application, the heated roller lifts the web off the spacer guides on each side of the roller and applies the backing web and label under heat and pressure conditions to the crates by moving the pressure roller, as seen in Figure 6. The triangular guides on each side of the pressure roller schematically indicated in Figure 6 of EP '237, do not serve to establish a pre-release mechanism of the labels. In this case, pre-release would not work as the path of web travel from the spacer guides to the crates is relatively long and a pre-release label would lose its positional definition with respect to the crate.

Furthermore, during the application, EP '237, the web is moved away from the triangular spacers on each side of the pressure roller so they cannot perform any formation of a pressure line contact. This would cause serious limitations to the mutual spacing of the labels since only

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after returning to the triangular spacer guide upon retraction of the pressure roller, a pre-release function could be, if at all (which is not the case in this situation however) be executed such that the label spacing should be at least one label length. In contrast, a pre-release mechanism as claimed in claim 9, distinguishes over EP '237 by being stationary with respect to the label in the transverse direction such that a pressure line contact is formed at each moment, independent of movement of the pressure roller with the label, such that the label spacing can be very close on the support belt 5. Furthermore, the addition that the line pressure contact serves for mechanical reduction of adhesion of the labels to the support belt, should further distinguish over EP '237.

As such, Applicants respectfully request the Examiner to withdraw the rejections of claim 9, and respectfully request the Examiner to withdraw the rejection of claims 10-12 and 14 at least because of their dependency from claim 9.

### **Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

*for Mr. Brian W. Hannon #46,027*  
Brian W. Hannon  
Registration No. 32,778

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